

REMARKS

Claims 1, 2, 5-8 and 11-16 are pending in this application. By this Amendment, claims 1 and 6 are amended. Claims 3, 4, 9 and 10 are canceled without prejudice to or disclaimer of the subject matter therein. Claims 15 and 16 are added to recite features supported in the specification. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-13 under 35 U.S.C. §102(e) as being anticipated by Deng (U.S. Patent No. 6,876,966); rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over Kishi (U.S. Patent No. 4,501,012) in view of Deng; and rejects claims 1, 2, 6-8 and 11-13 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 4, 29, 30 and 32 of Miyazawa (U.S. Patent No. 7,065,487).

Applicant traverses these rejections.

To obviate the non-statutory double patenting rejection of claims 1, 2, 6-8 and 11-13, a Terminal Disclaimer is co-filed with this Amendment. Thus, Applicant respectfully requests that the non-statutory double patenting rejection be withdrawn.

Deng fails to disclose or suggest an acoustic model creating method, wherein various types of noise collectible within a vehicle being plural types of noise due to effects of at least one of weather conditions, a traveling state of the vehicle, a traveling location of the vehicle, and operational states of apparatuses mounted on the vehicle, as recited in independent claims 1 and 6.

Claims 1 and 6 are amended to recite features of claims 3 and 4 especially the "creating plural types of noise data" feature. Support for such operational states is found, for example, at least at paragraphs [0069], [0089], [0090] and [0102].

Deng discloses a method and apparatus for training and using a pattern recognition model for noise reduction. At col. 11, lines 2-14, Deng discloses that training data to be collected is associated with a different type of noise. The type of air may contain air conditioning noise or background speech noise. Deng merely discloses that the training data can be populated with measurements of noise from an air conditioner or other background speech noise. However, Deng fails to disclose modeling background noise according to operational states of apparatuses mounted in the vehicle.

Accordingly, Deng fails to disclose or suggest an acoustic model wherein various types of noise collectible within the vehicle being plural types of noise due to effects of at least one of weather conditions, a traveling state of the vehicle, a traveling location of the vehicle and operational states of apparatuses mounted in the vehicle, as recited in independent claims 1 and 6.

In accordance with the above remarks, independent claims 1 and 6 define patentable subject matter. Claims 2, 5, 7, 8 and 11-14 depend from claims 1 and 6, respectively, and therefore are patentable for the same reasons, as well as for the additional features they recite. Thus, Applicant respectfully requests that the Examiner withdraw the rejections.

New claims 15 and 16 depend from independent claims 1 and 6 respectively, and therefore are patentable for the same reasons, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5-8 and 11-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Terminal Disclaimer

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